

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARK ANTHONY BROWN,  
Plaintiff,  
v.  
W. EMMERT, et al.,  
Defendants.

No. 2:22-cv-1001 DAD CKD P

FINDINGS AND RECOMMENDATIONS

On February 21, 2023, the court ordered the United States Marshal to serve plaintiff's complaint on defendant Lieu. The Marshal was not able to serve defendant Lieu with the information provided by plaintiff. Because service of process has not been accomplished with respect to defendant Lieu, and it does not appear likely that it will be, the court will recommend that defendant Lieu be dismissed pursuant to Federal Rule of Civil Procedure 4(m).

Accordingly, IT IS HEREBY RECOMMENDED that:

1. Defendant Lieu be dismissed from this action; and
2. This case be closed.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, plaintiff may file written objections with the court. The document should be captioned "Objections to Magistrate Judge's Findings

1 and Recommendations.” Plaintiff is advised that failure to file objections within the specified  
2 time waives the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th  
3 Cir. 1991).

4 Dated: December 6, 2023

  
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CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE

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